

AMENDED IN SENATE MARCH 21, 2007

SENATE BILL

No. 8

Introduced by Senator Kuehl

(Coauthor: Senator Steinberg)

(Coauthors: Assembly Members Huffman, Jones, and Krekorian)

December 4, 2006

An act to amend ~~Section 79402~~ *Sections 79402 and 79441* of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as amended, Kuehl. California Bay-Delta Authority Act.

Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies, ~~as defined~~, to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. The act requires the authority to develop policies and make decisions at program milestones, and to provide direction to achieve balanced implementation, integration, and continuous improvement in all program elements, as defined. *The act assigns each implementing agency the responsibility for implementing one or more program elements.*

This bill would include environmental justice among the prescribed program elements. *The bill would require the implementing agencies, both individually and collectively, to be the implementing agencies for the environmental justice program element.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 79402 of the Water Code is amended to
2 read:
3 79402. Unless the context otherwise requires, the following
4 definitions set forth in this section govern the construction of this
5 division:
6 (a) “Authority” means the California Bay-Delta Authority.
7 (b) “Balance” or “balanced implementation” means the
8 implementation of projects, programs, or other actions in a manner
9 that meets both of the following requirements:
10 (1) Is consistent with the implementation schedule and
11 milestones described in the CALFED Bay-Delta Program Record
12 of Decision, dated August 28, 2000, or as it may be amended.
13 (2) Results in concurrent improvement in all program elements
14 in a manner that ensures that improvements in some program
15 elements are not made without corresponding improvements in
16 other program elements.
17 (c) “Bay-delta” means the San Francisco Bay/Sacramento-San
18 Joaquin Delta Estuary.
19 (d) “Bay-Delta Public Advisory Committee” means the
20 Bay-Delta Public Advisory Committee established by charter
21 issued by the United States Department of Interior, dated June 8,
22 2001, and filed on July 2, 2002.
23 (e) “California Bay-Delta Program” or “Bay-Delta Program”
24 means those projects, programs, commitments, and other actions
25 that address the goals and objectives of the CALFED Bay-Delta
26 Program Record of Decision, dated August 28, 2000, or as it may
27 be amended.
28 (f) “Category A programs” means those state and federal agency
29 programs and funds that are to be managed and implemented
30 consistent with the California Bay-Delta Program’s goals and
31 objectives.
32 (g) “Director” means the Director of the California Bay-Delta
33 Authority.

1 (h) “Implementing agencies” means those agencies with the
2 primary responsibility for implementing the program elements,
3 subject to Sections 79440 and 79441.

4 (i) “Program elements” means the following 12 program
5 elements of the California Bay-Delta Program:

6 (1) Levee system integrity.

7 (2) Water quality.

8 (3) Water supply reliability.

9 (4) Ecosystem restoration.

10 (5) Water use efficiency.

11 (6) Water transfer.

12 (7) Watershed.

13 (8) Storage.

14 (9) Conveyance.

15 (10) Science.

16 (11) Environmental water account.

17 (12) Environmental justice.

18 (j) “Projects” means both programs and capital projects.

19 *SEC. 2. Section 79441 of the Water Code is amended to read:*

20 79441. (a) The department, the Department of Fish and Game,
21 and the United States Army Corps of Engineers are the
22 implementing agencies for the levee program element.

23 (b) The state board, the United States Environmental Protection
24 Agency, and the State Department of Health Services are the
25 implementing agencies for the water quality program element.

26 (c) The Department of Fish and Game, the United States Fish
27 and Wildlife Service, and the United States National Marine
28 Fisheries Service are the implementing agencies for the ecosystem
29 restoration program element. If interests in land, water, or other
30 real property are acquired, those interests shall be acquired from
31 willing sellers by means of entering into voluntary agreements.

32 (d) The department and the United States Bureau of Reclamation
33 are the implementing agencies for the water supply reliability,
34 storage, and conveyance elements of the program.

35 (e) The department, the state board, and the United States Bureau
36 of Reclamation are the implementing agencies for the water use
37 efficiency and water transfer program elements.

38 (f) The Resources Agency, the state board, the department, the
39 Department of Fish and Game, the United States Natural Resources
40 Conservation Service, the United States Environmental Protection

1 Agency, and the United States Fish and Wildlife Service are the
2 implementing agencies for the watershed program element.

3 (g) The Resources Agency is the implementing agency for the
4 science program element.

5 (h) The department, the Department of Fish and Game, the
6 United States Bureau of Reclamation, the United States Fish and
7 Wildlife Service, and the United States National Marine Fisheries
8 Service are the implementing agencies for the environmental water
9 account program element.

10 (i) *The implementing agencies identified in this section, both*
11 *individually and collectively, shall be the implementing agencies*
12 *for the environmental justice program element.*